

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Hui	Team: Team # 5	CCRB Case #: 200005588	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/08/2000 1:00 AM	Location of Incident: § 87(2)(b)	Precinct: 73	18 Mo. SOL 2/8/2002	EO SOL 2/8/2002	
Date/Time CV Reported Tue, 08/08/2000 11:00 AM	CV Reported At: Precinct	How CV Reported: Phone	Date/Time Received at CCRB Tue, 08/08/2000 2:43 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Rodney Harrison	91066	901066	073 PCT
2. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Gwendolyn Johnson	27832	899398	073 PCT
2. POM John Iles	15970	922534	073 PCT
3. POM John Doyle	28254	918976	073 PCT
4. POM Ted Wendling	23161	923359	073 PCT
5. POM Richard Zafrani	18352	923398	073 PCT
6. SGT John Todaro	05234	903307	PSA 1
7. POM Richard Bolds	29830	918629	073 PCT
8. POM Edwin Perez	30212	914912	PSA 2
9. POM Kenyon Smith	30854	916720	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers pointed gun at § 87(2)(b)	§ 87(2)(b)
B. SGT Rodney Harrison	Force: Sgt. Rodney Harrison used physical force against § 87(2)(b)	§ 87(2)(b)

## Synopsis

A pursuit of persons fleeing from a car stop led officers to arrest § 87(2)(b) near § 87(2)(b)'s (complainant) house. § 87(2)(b)'s son, § 87(2)(b) alleged that unidentified officers pointed guns at him (allegation A) and Sgt. Harrison pushed his knee into his back (allegation B) in the process of § 87(2)(b) being arrested. PO Wendling, the initial officer giving chase to § 87(2)(b) reported to Central communications that he observed § 87(2)(b) running with a gun in his possession. § 87(2)(g)

§ 87(2)(b). In addition, the sprint communications tape and officers' testimonies revealed that PO Wendling, PO Zafrani, PO Iles and PO Doyle were the first officers that arrived on the scene to handcuff § 87(2)(b) and possibly § 87(2)(b). It is known that Sgt. Harrison arrived on the scene after both persons handcuffed. § 87(2)(g)

## Summary of Complaint

Account of § 87(2)(b) and § 87(2)(b) (date of interview: 8/14/00)

On 8/8/00 at approximately 1:00 a.m., § 87(2)(b) his friend (§ 87(2)(b) § 87(2)(b)) his friend's sister (§ 87(2)(b) § 87(2)(b)) and his mother § 87(2)(b) were present in front of their house on § 87(2)(b). § 87(2)(b) states one of the family's friends, § 87(2)(b) (last name unknown), pulled up in front of their house and all went outside the gate to speak with § 87(2)(b). As they were talking, § 87(2)(b) ran up towards § 87(2)(b) van and said to them: 'hide me, hide me'. § 87(2)(b) turned to § 87(2)(b) and § 87(2)(b) to ask if they knew § 87(2)(b). § 87(2)(b) told § 87(2)(b) that they did not know him, and § 87(2)(b) pushed § 87(2)(b) off his van. At this time, police officers from both ends of the block drove up towards them. § 87(2)(b) noted that he and his mother were afraid and both started running towards the entrance to their house. § 87(2)(b) remained inside his van at this time and § 87(2)(b) was standing besides the van (officers ran past them). § 87(2)(b) heard: 'Freeze, freeze, put your hands in the air'. § 87(2)(b) noted about 5 police officers around him at this point and he heard: 'get down on the floor'. § 87(2)(b) proceeded to lay down and put his face to the ground. Sgt. Harrison (identified through description by § 87(2)(b)) started handcuffing § 87(2)(b) and pushed a knee on his back (allegation A). Other unidentified officers were pointing their guns at § 87(2)(b) (allegation B).

§ 87(2)(b) was yelling at Sgt. Harrison: "What is wrong? These kids didn't do anything. This is where we live" and pointing to § 87(2)(b) that it was he the officers were looking for. At this same time, § 87(2)(b) § 87(2)(b) was being handcuffed by other officers in front of the gate next door. § 87(2)(b) stated a young boy came on the scene and pointed to § 87(2)(b) as well. As a result, the officers released § 87(2)(b) and § 87(2)(b). § 87(2)(b) was then arrested.

None of the officers approached § 87(2)(b); § 87(2)(b) could not obtain any officers' names and badge numbers.

### Results of Investigation

Efforts were made to contact § 87(2)(b) and reach § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) for interviews. § 87(2)(b) stated that she did leave the undersigned's phone number with all three persons. The undersigned informed § 87(2)(b) that none had made contact and § 87(2)(b) noted that she would speak with the persons again. However, § 87(2)(b) never called again and never returned the undersigned's follow-up attempts to contact her. Efforts were made to search for contact phone numbers with the surname § 87(2)(b) but it was met with negative results. In addition, efforts were made to be in contact with § 87(2)(b) for § 87(2)(b) to possibly give an account of the incident. However, § 87(2)(b)'s mother declined for her son to be involved. Because of these circumstances, no other civilians were interviewed in this case.

Account of PO Zafrani (date of interview: 2/12/01), PO Wendling (date of interview: 2/21/01) and Sgt. Todaro (date of interview 5/2/01)

PO Zafrani, PO Wendling and Sgt. Todaro were on patrol when they observed a Lexus at the corner of Bristol Street and Livonia Avenue drive past a stop sign. PO Zafrani, the operator of the van, proceeded to pull them over at this time. As soon as the Lexus stopped, two individuals exited the vehicle. One individual ran southbound while one ran past their vehicle going northbound on Bristol Street. PO Zafrani stated he and PO Wendling ran after this individual (later identified as § 87(2)(b) the driver of the vehicle. Sgt. Todaro stated he was chasing the other individual. As he ran one block down on Livonia, he heard the call of a 10-85 as the driver possibly had a gun. Sgt. Todaro immediately ran back up the block to try and assist both officers, but they were about two blocks in front of him, so he did not give chase. Sgt. Todaro then returned to the van and secured the car in which the two individuals were driving in.

PO Zafrani stated as they were running on Bristol Street, PO Wendling told PO Zafrani that he saw § 87(2)(b) with a gun in his hand. PO Zafrani did not witness § 87(2)(b) with a gun in his hand, but he did see § 87(2)(b) reach for something in his waist area. PO Zafrani immediately called for additional units to arrive on the scene. PO Zafrani noted that they ran through § 87(2)(b), § 87(2)(b) before reaching § 87(2)(b). Because he and PO Wendling were on foot, some officers drove past them and rounded onto § 87(2)(b). PO Zafrani stated PO Wendling was slightly behind him at this time, and as he rounded the corner, he saw many officers and many civilians in the street. However, PO Wendling remembered PO Zafrani was telling him that he was right behind him in the chase. As he caught up to § 87(2)(b) § 87(2)(b), PO Wendling states there was a patrol car already stopped in the middle of the block. PO Zafrani pointed out § 87(2)(b) from among those in the crowd, and he was arrested. PO Zafrani remembered there were other civilians in the area as well, but he could not remember whether they were handcuffed or standing. PO Zafrani could not remember where PO Wendling was at this point. PO Zafrani remembered he was winded and there were some supervisors on the scene as well.

Sgt. Todaro heard on the radio that many units responded. After this, Sgt. Todaro proceeded to drive the van after he heard that § 87(2)(b) was arrested on the corner of § 87(2)(b). After he arrived on the scene, Sgt. Todaro noted most of the units that responded to the scene had already left. Sgt. Todaro remembered § 87(2)(b) was put into another patrol car and driven to the precinct. Sgt. Todaro awaited ESU units to arrive and canvass the area for a possible gun that the individual possibly threw away during the chase. Sgt. Todaro remembered a few civilians out in the area, but none of them appeared to be irritated. A weapon was not recovered, and Sgt. Todaro left the scene.

PO Zafrani remained on the scene to look for the gun as he traced back the blocks in which he was chasing § 87(2)(b). PO Wendling did not remember seeing any other civilians being handcuffed after he arrived on § 87(2)(b). After this, a gun charge was added onto the list of charges against § 87(2)(b). PO Wendling knew from Sgt. Todaro that he stayed on the scene of the car stop with the van, and the vehicle was found to be stolen. The male that ran opposite § 87(2)(b) was never apprehended. PO Wendling stated § 87(2)(b) appeared to be running with a purpose and destination; he was not running to hide.

Account of Sgt. Harrison (date of interview: 4/3/01)

Sgt. Harrison was assigned to the fixed post on 739 Rockaway Avenue with PO Johnson. Sgt. Harrison received a call of officers needing assistance at § 87(2)(b). Sgt. Harrison immediately drove to the scene with PO Bolds, another officer that was assigned to the fixed post; Sgt. Harrison arrived on the scene about 1 minute from the call over the radio.

Sgt. Harrison observed many police cars and officers on the scene already. Sgt. Harrison also observed § 87(2)(b) to be handcuffed and face down on the ground. Sgt. Harrison approached § 87(2)(b) to assess the situation; Sgt. Harrison remembered officers inside the front gate of § 87(2)(b). § 87(2)(b) proceeded to tell Sgt. Harrison that he did not do anything and it wasn't him. Sgt. Harrison then put his right hand on § 87(2)(b)'s handcuffs to prevent him from trying to shift his body. As this was happening, § 87(2)(b) came over to Sgt. Harrison and hit him on the shoulder. She was yelling: "What are you doing to my son?" Sgt. Harrison told her not to hit him again. At the same time, PO Wendling approached Sgt. Harrison and told him that he would take care of the situation. Sgt. Harrison remembered another person that was handcuffed and § 87(2)(b) was then uncuffed before he left the scene with PO Bolds.

Account of PO Johnson (date of interview: 3/6/01) and PO Bolds (date of interview: 4/25/01)

PO Johnson was assigned to the Verizon telephone strike on Rockaway Avenue, about 5-8 blocks away from § 87(2)(b). PO Johnson explained that there were no civilians there at that time, but they were instructed to secure the building. PO Johnson noted there was another patrol car on the scene at this time.

PO Johnson was speaking with PO Coley outside their patrol cars and Sgt. Harrison was inside the patrol car speaking with PO Bolds when a call came over the radio that additional units were needed to respond to § 87(2)(b). PO Bolds then drove away quickly with Sgt. Harrison.

PO Bolds noted Sgt. Harrison exited the vehicle and walked up towards the middle of § 87(2)(b) to a crowd of civilians and numerous other police officers that were already on the scene. PO Bolds remembered about three patrol cars already on the scene; PO Bolds estimated the crowd to be about 50 feet away. PO Bolds noted that he did not walk towards the crowd because there were other people that were approaching him to try and walk towards the larger crowd to find out what was happening. As a result, PO Bolds told those walking up the block to stop because there was a police investigation going on. PO Bolds did remember a woman that was yelling within the crowd and there were a couple of persons being handcuffed.

PO Bolds was standing and keeping the crowd near the corner of § 87(2)(b) for a couple of minutes before Sgt. Harrison emerged from the crowd and told him the officers on the scene will take care of the situation. After this, PO Bolds drove back to his fixed post with Sgt. Harrison. PO Bolds states Sgt. Harrison did not tell him what the situation was about; PO Bolds felt that they were not needed on the scene for this job.

PO Johnson and PO Coley remained on Rockaway Avenue; PO Johnson was never on the scene at § 87(2)(b).

Account of PO Iles (date of interview: 4/3/01) and PO Doyle (date of interview: 4/4/01)

PO Iles and PO Doyle were on patrol when a call of additional units to respond to a foot pursuit was initiated by PO Zafrani. PO Doyle was driving westbound on Dumont and saw the officer chasing a person and the officer waved for them to go ahead. PO Iles noticed a group of persons near the corner of the block and he told PO Doyle to back up and drive up the block. PO Iles saw § 87(2)(b) (wearing a flowered shirt) near the side of a maroon Chevrolet Astrovan and tried to gain entrance to the van. PO Iles immediately exited the vehicle and pointed his gun to § 87(2)(b) and told him to put his hands in the air. PO Iles knew PO Doyle exited the vehicle, but did not know what PO Doyle was doing. § 87(2)(b) complied by putting his hands in the air and getting on the ground. PO Iles handcuffed § 87(2)(b) as more officers arrived on the scene. PO Iles reholstered his gun.

However, PO Doyle stated he saw § 87(2)(b) run inside the garden area of a house on § 87(2)(b). § 87(2)(b) was speaking with a middle-aged woman that was standing in front of the house. PO Doyle stated he exited the patrol car with PO Iles and ran into the garden area. PO Doyle had his gun drawn and pointed it at § 87(2)(b) and told him to put his hands in the air. PO Doyle told § 87(2)(b) to get on the ground as PO Iles handcuffed him. PO Doyle reholstered his gun and asked if the woman knew § 87(2)(b). The woman told PO Doyle that she had never seen him before and he asked her to hide him because the police were looking for him.

PO Doyle noted many officers arrived on the scene including PO Zafrani who positively identified § 87(2)(b). After this, both PO Iles and PO Doyle proceeded to drive back to the area of the chase and look for the gun, but the gun was never recovered. PO Iles and PO Doyle both stated there were no other persons that were handcuffed and arrested at that time. PO Doyle remembered Sgt. Harrison to be on the scene; PO Doyle noted that Sgt. Harrison probably spoke with the female regarding the situation, but she did not appear to be angry. PO Doyle stated there were other civilians in the area, but they were not involved in this incident.

Account of PO Smith (date of interview: 5/24/01) and PO Perez (date of interview: 5/24/01)

PO Smith was partners with PO Perez and assigned to patrol sector A/B within the confines of the 73<sup>rd</sup> Precinct. PO Perez was the operator, and they responded to a call of officers needing additional assistance. Both PO Perez and PO Smith noted that they responded to the area and transported a perpetrator back to the precinct based upon entries in their memobooks.

Neither PO Smith nor PO Perez remember anything regarding this incident. A summary of the incident and a copy of the sprint print out were provided to both officers, but they did not remember anything regarding the incident.

**Conclusions and Recommendations**

According to the 911 communications tape, PO Wendling gave a physical description of § 87(2)(b) and the clothing he was wearing at the time of the foot pursuit, and added that § 87(2)(b) was carrying a gun. Many officers were then interviewed in an effort to assess the foot pursuit as a result from the car stop performed by PO Zafrani and PO Wendling. Both PO

Zafrani and PO Wendling were winded from their foot pursuit, and stated they only saw § 87(2)(b) being handcuffed by PO Iles.

According to PO Iles, he saw § 87(2)(b) by a Chevrolet Astrovan before handcuffing him. However, PO Doyle stated that he remembered seeing § 87(2)(b) inside the garden area by § 87(2)(b) and asking her to hide him from the police. Only PO Zafrani and PO Wendling stated that they pointed guns at § 87(2)(b) but none of the other officers stated they pointed their guns at any persons. § 87(2)(b), § 87(2)(g)

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Sgt. Harrison stated he noticed § 87(2)(b) to be handcuffed and on the ground when he had arrived on the scene. Because he was the supervisor on the scene, Sgt. Harrison approached § 87(2)(b) to assess the situation and had used his hand to hold § 87(2)(b) on the ground as he was attempting to shift and move; Sgt. Harrison denied pushing his knee into § 87(2)(b)'s back. In addition, § 87(2)(b) stated that Sgt. Harrison told him to be on the ground in order to be handcuffed. However, according to the sequence of events, the sprint print out (see enclosure 31) and officers that arrived on the scene, it is known that PO Iles, PO Doyle, PO Zafrani and PO Wendling were the first officers on the scene. § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

In looking at the complaint report (see enclosure 3), § 87(2)(b) never alleged any sort of physical force being used by the officers at the time of incident. Yet, § 87(2)(b) made the allegation against Sgt. Harrison at the time of interview at the CCRB. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: